

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN MATEO COUNTY SHERIFFS'S  
OFFICE,

Plaintiff,

v.

RICARDO JOSE CALDERON LOPEZ,  
Defendant.

Case No. [18-cv-00066-EMC](#)

**ORDER DENYING DEFENDANT'S  
MOTION FOR LEAVE TO FILE  
MOTION FOR RECONSIDERATION**

Docket No. 10

The Court previously remanded this case to the California Superior Court on the basis that it lacked subject matter jurisdiction because the removed case did not involve a federal question. *See* Docket No. 5. Defendant seeks leave to file a motion for reconsideration under Local Civil Rule 7-9. Though Defendant claims the order was “erroneous” and “based on a manifest failure . . . to consider material facts or dispositive legal arguments,” Defendant does not explain what the purported errors were nor which legal arguments or facts the Court failed to consider. Thus, he has not met his burden to show that leave to file a motion for reconsideration is warranted.

In any case, such a motion would be futile. The Court has already transferred the matter to the California Superior Court, so it no longer has jurisdiction over it. Further, “[a]n order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise,” except when removed pursuant to 28 U.S.C. § 1442 or 28 U.S.C. § 1443. *See* 28 U.S.C. § 1447(d). This rule also precludes reconsideration by the district court. *See Seedman v. United States Dist. Court for Cent. Dist. of Cal.*, 837 F.2d 413, 414 (9th Cir. 1988) (non-reviewability language “has been universally construed to preclude not only appellate review but


1 also reconsideration by the district court”). Defendant removed the case on the basis of 28 U.S.C.  
2 §§ 1441(a) and 1446(a), so the exceptions to non-reviewability do not apply.

3 Defendant’s motion is **DENIED**.

4 This order disposes of Docket No. 10.

5  
6 **IT IS SO ORDERED.**

7  
8 Dated: January 23, 2018

9  
10   
11 EDWARD M. CHEN  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28